

MID-ATLANTIC STATES' COMPOSTING REGULATIONS

DELAWARE

Contact: James Short, Solid & Hazardous Waste Management Branch (302) 739-9403 or james.short@state.de.us
Tom Houska, DNREC Yard Waste Management Committee (302) 739-5361 or teh@dswa.com

Composting operations are exempted from state solid waste permitting requirements by Section 4: Permit Requirements and Administrative Procedures of the Delaware Regulations Governing Solid Waste <www.dnrec.state.de.us/DNREC2000/Divisions/AWM/hw/sw/swreg.htm>. All composting operations, other than individual household composting, however, must obtain written approval from the Delaware Department of Natural Resources and Environmental Control (DNREC) prior to commencing operations. To obtain an approval, a person must submit a written plan of operation demonstrating to the DNREC the composting facility owner and operators understand and will apply the principles and proper methods of composting. The plan also must demonstrate that the composting facility will be operated in a manner that will not pose a threat to human health and the environment. They also must submit a written statement explaining the intended use of the compost.

The Regulations Governing Solid Waste also exempts the disposal of agricultural wastes on the farm on which they are generated, the creation of brush piles on the property on which the material was generated, and the use of vegetative matter and untreated ground wood products to construct berms on the property on which the material was generated. (Notification must be made to the Department prior to commencing this activity, however.)

In response to efforts to enact legislation (S.B. 225) to divert household yard waste from the state's waste stream, the DNREC formed the Yard Waste Management Committee <www.dnrec.state.de.us/DNREC2000/Divisions/AWM/YardWaste/index.asp#about>. The proposed legislation would require residents and businesses to keep yard waste separate from other trash and would require trash haulers to take the yard waste to composting and mulching facilities rather than to landfills. The Committee's objectives are to review, revise, and develop a plan for the management of yard waste in Delaware; develop guidelines for yard waste mulching and composting facilities; identify private sector interest in yard waste mulching and composting; and identify markets for mulch and compost.

For permitting information contact:

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DISTRICT OF COLUMBIA

Contact: Solid Waste Administration, Department of Public Works (202) 727-1000

Section 8-1053 (h) of the District of Columbia Code exempts composting facilities from the solid waste permit requirements. Composting facilities are still subject to all applicable nuisance, safety, environment, and zoning laws rules, and regulations. These regulations are found in Chapter 20, Title 21 of the District of Columbia Municipal Regulations (DCMR). This portion of the DCMR is not yet available online.

MARYLAND

Contact: Donald Lewis, State Chemist Commercial Compost Coordinator
Agency for Regulations on Sales/Distribution of Compost and Fertilizer,
Maryland Dept. of Agriculture (410) 841-2721 or lewisdv@mda.state.md.us

In Maryland, permits are required for commercial composting and mulching of municipal solid waste, sewage sludge, and natural wood waste. Facilities that compost source-separated yard waste are exempted from permitting. The Maryland Department of Agriculture oversees the marketing and distribution of compost products.

Title 15 Department of Agriculture, Subtitle 18 State Chemist, Chapter 04 Compost (COMAR 15.18.04) of the Code of Maryland Regulations (COMAR) <www.dsd.state.md.us/comar> governs commercial compost producers and distributors in Maryland. All persons who sell or distribute commercial compost products within the state must comply with the regulation. The major provisions of the regulation relate to (a) registration of compost products; (b) composting facility operator certification; (c) classification and labeling of compost products; and (d) record keeping or reporting requirements of the registrant (or distributor). All products commercially sold or distributed in Maryland as compost must be registered, classified as to quality and use, and acceptably labeled. Registrants must submit semiannual tonnage statements and an inspection fee for each ton of compost distributed. The Maryland Department of Agriculture inspects operations, tests materials, collects records and fees, and provides assistance with regulatory compliance.

For permitting information contact:

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PENNSYLVANIA

Contact: Patti Olenick, Department of Environmental Protection (717)787-7382 or
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Pennsylvania has a semi-tiered regulatory format for composting operations. Any composting facility larger than an individual backyard operation requires some level of notification or permitting from the Pennsylvania Department of Environmental Protection
<www.depweb.state.pa.us/landrecwaste/cwp/view.asp?A=1338&Q=497969>.

A yard waste composting facility that is less than 5 acres is exempt from solid waste permitting requirements, but must comply with the municipal waste processing permit-by-rule requirements (25 Pa. Code § 271.103(h)).

On-farm composting operations and yard waste composting facilities between 5 and 15 acres are eligible for a municipal waste general permit, which is a permit that applies to municipal waste processing and/or beneficial use activities. The benefits of obtaining this type of permit is that it has less costly application fees, a streamlined application process that results in quicker permit decisions, and potential waiver of bonding and insurance requirements. On-farm composting operations that compost manure, yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias, and institutions, and source separated newspaper and/or cardboard may apply for General Permit WMGM017
<www.depweb.state.pa.us/landrecwaste/lib/landrecwaste/municipal_waste/gp/wmgm017.pdf>. Yard waste composting facilities 5 to 15 acres in size may obtain a General Permit WMGM030
<www.depweb.state.pa.us/landrecwaste/lib/landrecwaste/municipal_waste/GP/WMGM030.pdf>.

Composting facilities larger than 15 acres, or not choosing to apply for a municipal waste general permit, must obtain a municipal solid waste permit from the state and comply with the Pennsylvania Code, Chapter 281. Composting Facilities
<www.pacode.com/secure/data/025/chapter281/chap281toc.html>.

The Professional Recyclers of Pennsylvania (PROP), a non-profit association of recycling professionals dedicated to promoting and enhancing the interests of recycling and composting in Pennsylvania, maintains a Web site that provides news and updates on Pennsylvania's composting standards and regulations, a directory of composting facilities within the state, and other composting related news and information. Visit PROP's Web site at
<www.proprecycles.org/PROP%27s%20Organics%20Composting%20Homepage.html>.

For permitting information contact:

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VIRGINIA

Contact: Department of Environmental Quality
Michael Murphy (804) 762-4003 or Michael.Murphy@deq.virginia.gov
Shawn Davis (804) 698-4471 or sedavis@deq.virginia.gov

Code of Virginia, Chapter 1.1:1, Title 9 (9 VAC 20-101-10) Vegetative Waste Management and Yard Waste Composting Regulations <www.deq.state.va.us/waste/wastereg101.html> establish standards for the siting, design, construction, operation, closure, and permitting procedures for vegetative waste management facilities, including yard waste composting facilities. In Virginia, vegetative waste management facilities may be permitted as solid waste management facilities under the Solid Waste Management Regulations (9 VAC 20-80-10) or under the abbreviated vegetative waste management and yard waste composting requirements. Virginia also has separate standards for facilities which compost solid waste, sludge and/or animal manures. The compost facility standards are not applicable to yard waste facilities operating under and complying with a permit-by-rule.

For permitting information contact:

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WEST VIRGINIA

Contact: Division of Water and Waste Management, Headquarters (304) 926-0470
Permitting Program/Waste Permitting Unit (304) 926-0499

West Virginia's State composting regulations govern the composting of yard waste and other compostable solid wastes. Title 33—Series 3 Legislative: Yard Waste Composting Rule <www.wvsos.com/csrdocs/worddocs/33-03.doc> establishes the requirements for the proper handling and composting of yard waste including siting, bonding, design, construction, modification, operation, closure and permitting of any facilities that generate, process, compost, or otherwise reuse or recycle yard waste. The regulations also establish operator training and certification requirements.

The *Handbook for Commercial and Municipal Composting in West Virginia* (Wilmink & Diener), originally developed for the West Virginia Department of Natural Resources, is a comprehensive text on composting for professionals, administrators, and individuals interested in composting as a waste disposal alternative. To order a copy, visit <www.tomwilmink.com/>.

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